

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06

DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00

H-01 INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 2224

INFO AMEMBASSY PARIS

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION EC BRUSSELS

AMCONSUL MONTREAL

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POUCHED ALL OTHER AMCONSULS CANADA

E.O. 11652: N/A

TAGS: EFIS, PBOR, PLOS, CA, FR

SUBJECT: FISHERIES: CANADA/FRANCE INTERIM ARRANGEMENTS

REF: OTTAWA 101

1. SUMMARY: CANADA AND FRANCE ANNOUNCED DECEMBER 30 THAT THEY REACHED AGREEMENT ON INTERIM FISHERIES ARRANGEMENTS, FOLLOWING EXTENSION OF MARITIME JURISDICTION BY BOTH COUNTRIES. THE ARRANGEMENTS ARE AIMED AT AVOIDING DIFFICULTIES IN ENFORCEMENT OF FISHERIES REGULATIONS OFF THE ISLANDS OF ST. PIERRE AND MIQUELON PENDING A BOUNDARY SETELEMENT. BOTH COUNTRIES WILL EXERCISE RESTRAINT IN LIMITED OFFICIAL USE

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THE APPLICATION OF THEIR FISHEREIES REGULATIONS TO EACH OTHERS'S VESSELS IN A STOCK MANAGEMENT AREA, DIVISION 3PS, OF THE INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES (ICNAF). ENFORCEMENT BY THE TWO COUNTRIES WITH RESPECT TO CANADAIN AND FRENCH VESSELS WILL BE BASED ON THE ICNAF INTERNATIONAL ENFORCEMENT SCHEME. FISHERIES IN THIS AREA WILL CONTINUE TO BE

MANAGED DURING 1977 IN ACCORDANCE WITH ICNAF REGULATIONS. THESE ARRANGEMENTS ARE WITHOUT PREJUDICE TO NEGOTIATIONS RESPECTING THE LIMITS OF MARITIME JURISDICTION IN THIS AREA WHICH ARE TO BE UNDERTAKEN THIS YEAR. END SUMMARY.

2. DURING CONVERSATION WITH AMBASSADOR AND EMBOFF MENTIONED REFTEL, GOC FISHERIES NEGOTIATOR LEGAULT PROVIDED FOLLOWING BACKGROUND ON AGREEMENT WITH FRANCE REGARDING ST. PIERRE AND MIQUELON:

A. ARRANGEMENT IS SUI GENERIS AND CONSISTS OF TWO PARALLEL UNDERSTANDINGS REGARDING ENFORCEMENT, FISHING QUOTAS AND COMMITMENT OF BOTH COUNTRIES TO BOUNDARY NEGOTIATIONS IN 1977.

B. ARRANGEMENT IS AN EXTENSION OF ARTICLE II OF 1972 CANADA/FRANCE AGREEMENT WHEREIN FRENCH ARE ALLOWED ACCESS TO AREA BUT SUBJECT TO CANADIAN CONTROL AND CONSERVATION REGULATIONS.

C. ONLY THE INSHORE BOUNDARY HAS BEEN RESOLVED. FRANCE HAS CLAIMED A 200-MILE FISHING ZONE BASED ON EQUI-DISTANCE PRINCIPLE BUT HAS NOT PUBLISHED COORDINATES OF CLAIMED AREA. AREA OF CLAIM ROUGHLY APPROXIMATES THAT OF ICNAF AREA, DIVISION 3PS, BUT DOES NOT COINCIDE WITH IT.

D. THE AGREEMENT ON RESTRAINT PROVIDES THAT EACH COUNTRY LICENSES ITS OWN FLAG VESSELS WITHIN ICNAF LIMITED OFFICIAL USE

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AREA 3PS AND DOES NOT REQUIRE LICENSING FROM VESSELS OF THE OTHER COUNTRY. SURVEILLANCE AND CONTROL WITHIN THE AREA BY BOARDING AND INSPECTION CAN BE DONE BY BOTH STATES IN ACCORDANCE WITH JOINT ICNAF RULES OF ENFORCEMENT. SANCTIONS OR PENALTIES ARE LEFT UP TO THE FLAG STATES (FRENCH VESSELS ARE UNDER JURISDICTION OF FRENCH COURTS, CANADIAN VESSELS UNDER CANADIAN COURTS).

E. BOTH COUNTRIES HAVE AGREED TO ALLOW USSR TO HARVEST 500 TONS OF REDFISH IN AREA 3PS. ONLY CANADA WILL ISSUE LICENSES TO USSR VESSELS. LICENSING BY FRANCE WOULD INVOLVE LINKAGE TO COMPLEXITIES OF EEC LICENSING AND THEREFORE IS UNLIKELY, ALTHOUGH IN THEORY FRANCE COULD ALSO LICENSE USSR VESSELS UNDER TERMS OF THE AGREEMENT. IN THIS HYPOTHETICAL SITUATION, THERE WOULD BE MUTUAL ENFORCEMENT VIS-A-VIS USSR VESSELS IN AREA 3PS.

F. FRANCE APPARENTLY WANTS TO MAXIMIZE AREA IT CONTRIBUTES TO EEC EXTENDED FISHING ZONE SO THAT IT CAN JUSTIFY INCREASED ACCESS TO FISHERIES OFF UK AND IRELAND. THIS IS UNDERLYING REASON FOR SIZE OF FRENCH CLAIM. ENDERS

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